THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.20210 of 2005

Date:20.09.2005

K.V.S.R.Degree College

--------PETITIONER

The A.P.State Council of Higher Education and another

---------RESPONDENTS

ORDER:

The petitioner is a Degree College at Allagadda, Kurnool District. It intended to introduce Post Graduation Course in Chemistry in the College, with effect from the current academic year. With that intention, it submitted applications in the prescribed form to A.P.State Council of Higher Education and Sri Krishnadevaraya University, Anantapur, respondents 1 and 2 respectively, on 29.12.2004. It also made a deposit of Rs.5,00,000/- and paid inspection fees of Rs.25,000/- as required under the relevant provisions. The respondents refused to accord permission. The petitioner proposes to challenge the action of the respondents and seeks a consequential direction to the respondents to take necessary steps for grant of permission and affiliation to it, to impart study in M.Sc.(Chemistry) Course for the current academic year.

The petitioner contends that though the Joint Inspection Committee constituted by the 1st respondent and the another Committee constituted by the 2nd respondent found that the petitioner had provided necessary facilities, the permission was not accorded, on the basis of non-existent factors. It is submitted that the facilities provided by the petitioner for the course, in anticipation of the permission, would go waste, if the necessary permission is not granted.

At the stage of admission, the learned Standing Counsel for respondents 1 and 2 were granted time to obtain instructions. They have placed the concerned record before this Court.

Sri D.V.Seetharam Murthy, the learned counsel for the petitioner, submits that his client had complied with all the requirements as to accommodation, establishment of laboratory, library etc., and that there was no justification for the respondents in not according permission. He contends that admissions are still in progress and that the petitioner deserves to be accorded permission for the current academic year. He further submits that except rejecting the application, the respondents did not point out any deficiency and that at any rate, the petitioner had since complied with the minor discrepancies, on the basis of which the permission was not accorded on earlier occasions.

Sri Sudesh Anand, the learned Standing Counsel for the 1st respondent and Sri M.Ramalingeswara Reddy, the learned Standing Counsel for the 2nd respondent submit that the decision in the matter of granting approval was taken, based on the report submitted by the Joint Inspection Committee. They contend that on a representation submitted by the petitioner, a further inspection was caused, and since several discrepancies were noticed, it was decided that the case of the petitioner be considered for the next academic year. They also contend that it would not be possible for them, at this stage, to accord permission or affiliation, as the case may be, for the current academic year.

The petitioner submitted the applications in the prescribed form to the respondents seeking permission and affiliation for introducing the Post Graduation Course in Chemistry. The 1st respondent is conferred with the power to cause inspection and to accord permission, on being satisfied about the existence of necessary infrastructure. The procedure adopted in this regard is that a Joint Inspection Committee would be constituted comprising of the officials and nominees of the respondents concerned and that the Dean would

submit the summary of the findings of the Joint Inspection Committee to the Vice Chancellor. On receipt of the remarks of the Vice Chancellor, the 1st respondent would take decision in the matter of grant of approval. If the approval is accorded, the 2nd respondent would take further steps and grant affiliation.

The Joint Inspection Committee constituted by the 1st respondent visited the College of the petitioner. They took note of the facilities and accommodation provided for by the petitioner. The report, as such, does not disclose that the members of the team have noticed or pointed out any deficiencies on the part of the petitioner. However, while placing the summary of Inspection Report, the Dean made the following endorsement.

> "The JIC visited K.V.Subba Reddy College Allagadda and verified infrastructural facility acamidation of existing UG Courses and proposed P.G.Courses. The Committee has not satisfied the above said facilities and not recommended the P.G.Course M.Sc Chemisty.
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> Hence I am not recommending the P.G.Course M.Sc.Chemistry for the academic year 2005-06."
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> ***(Verbatim Reproduced)***

The vice Chancellor has endorsed 'not approved' on 25.04.2005. On the basis of this, the 1st respondent addressed a letter, dated 26.05.2005, to the petitioner stating that the Committee has pointed out that the accommodation provided for by the petitioner for class rooms, laboratories, library and seminar hall is not up to the stipulated extent. It was also observed that the University did not recommend the proposal, due to the inadequacy of accommodation.

A perusal of the record does not support this observation at all. The petitioner submitted a representation on 29.06.2005 stating that it had constructed huge buildings within an area of 16,000 square feet by spending Rs.50,00,000/- and made necessary arrangements for starting M.Sc.Course. It requested the 1st

respondent to reconsider the matter and to grant conditional permission. It was also urged that the entire amount that has been spent and the infrastructure made would go waste, if the permission is not accorded. It was in this context that the 1st respondent addressed a letter, dated 22.08.2005 to the 2nd respondent to constitute another Committee and cause inspection. In pursuance of the same, the 2nd respondent constituted a Committee and a second inspection was undertaken on 22.08.2005. The Committee found that the infrastructural facilities made by the petitioner were sufficient for introducing the M.Sc.Chemistry Course and recommended that the permission be accorded.

Here again, the Dean exhibited his reluctance about the matter, vis-à-vis the petitioner and pointed out that since the admissions are at the ending stage, permission may be granted for the next academic year. The Vice Chancellor, however, took a different view. He stated that the report submitted by the Committee appointed by the University is vague and it varies with that of the Joint Inspection Committee's Report in certain respects. By observing that the admissions are at fag end, he has decided not to recommend the case of the petitioner to the 1st respondent.

The whole episode discloses that the Dean of the University did not present a correct picture to the Vice Chancellor and that, in turn, had resulted in the decision of the Vice Chancellor not to recommend the case of the petitioner. In the first instance, though the Joint Inspection Committee did not point out any deficiencies on the part of the petitioner, the Dean has taken upon himself, to introduce his personal observations. Acceding to the request of the petitioner, obviously being impressed by the representation that the entire infrastructure would go waste, the 1st respondent requested the University to appoint a second Committee, through his letter, dated 22.08.2005. Two days thereafter, the Dean reported to the Vice Chancellor that it was not advisable to grant permission, since the admissions are at the ending stage. If that were to be so, it is not discernible as to why the Committee was constituted at all. The Vice Chancellor was misguided either at the time of constituting the Committee or

when he was apprised of the result of the extension. The net result is that the 1st respondent did not receive the correct appraisal of the matter.

Irrespective of the fact as to who is responsible for such a state of affairs, the fact emerges that the petitioner was deprived of the approval and affiliation, though the two committees, which inspected the premises, did not point out any deficiencies. At any rate, the so called deficiencies pointed out in the order of rejection were so trivial that in the matter of imparting education for 25 candidates, they hardly constitute any basis for rejection. It is not out of place to point out that the accommodation for M.Sc.(Physics) Course, for which permission was accorded, was relatively less. One can understand, if the deficiencies were in relation to the qualifications of any teaching staff or laboratory facilities etc.

It is a matter of record that the petitioner has deposited a sum of Rs.5,00,000/-, made constructions worth several lakhs of rupees and arranged for establishment of laboratory and library by spending huge amounts, with a view to introduce Post Graduation Course in Chemistry. This court would have hesitated to issue any direction in this regard, had the admission process been closed long back. The petitioner itself received a communication that the admissions in the other Post Graduation Courses viz. M.Sc.(Physics), can be made up to few days ago. When thousands of candidates could not get admission due to lack of seats, the respondents can certainly make an effort to ensure that the petitioner is accorded permission and affiliation, duly ensuring proper compliance.

For the foregoing reasons, the writ petition is allowed and it is directed that the 2nd respondent shall forward necessary recommendation to the 1st respondent, without being influenced by the stage of admissions, within a period of four days from the date of receipt of a copy of this order. On receipt of such recommendation, the 1st respondent shall pass appropriate orders, within a period of another four days thereafter. It shall also be open to the respondents to stipulate any conditions that the petitioner may have to comply with, together

with the time therefor. Depending on the nature of orders that may be passed in this regard, further steps in relation to the admissions shall also be taken, without any further loss of time. There shall be no order as to costs.

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20.09.2005

Note: Issue C.C. by tomorrow.

(B/o)

Jsu